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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,030	10/02/2003	Thomas F. Perkins	026052-00012	6926

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ARENT FOX PLLC
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

EXAMINER

HSU, RYAN

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/676,030

Applicant(s)

PERKINS, THOMAS F.

Examiner

Ryan Hsu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Examiner notes that a possible election of species exists between claims 14 and 24 that are directed towards a game machine embodiment of the method of card game and claim 26, which is directed towards a table game species of the card game. An election has not been made a requirement at this time however Examiner reserves the right to require an election at a later time.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb (US 6,237,916 B1) as applied to claims above, and further in view of Angel (US 6,695,695 B2).

Regarding claims 1, 6-7, 13, and 26, Webb teaches a method for at least one player and a dealer to play a card game with a deck of cards wherein the method comprises: receiving a first selection from each of players indicating whether to participate in the card game. Webb's method teaches the implementation of dealing three cards from the deck of cards to the player and the dealer to participate in a three-card poker game (*see Fig. 1 and the related description*

thereof). Additionally, Webb identifies the winner of the game by determining whether the hand of each of the players beats the hand of the dealer. (*see col. 3: ln 46-col. 4: ln 62*) Furthermore, Webb teaches a method of playing a card game that can be implemented on a gaming table comprising: a table surface, a dealer location indicated on the table surface, and at least one player location indicated on the table surface and for each player an indication of an ante/first play bet and an indicated second play bet location (*see ante [18] and play [20] of Fig. 1 and the related description thereof*). However, Webb is silent with regard to splitting up the poker game into rounds. Angel in an analogous video poker method teaches different implementations where the poker game is split into rounds and a player is required to make a wager in between rounds before they may receive the next card (*see abstract*). For example, in the game of hold 'em the participating players first place an ante in the first round and are dealt two cards. Afterwards they enter a round of betting where they are required to make a decision to surrender, wager more or check in order to play in the next round (*see col. 2: ln 20-40, Fig. 3 and the related description thereof*). Angel teaches that one would be motivated to incorporate this type of element to the game in order to create a risk and opportunity to improve ones hand which creates a more exciting experience for the player (*see col. 50-58*). Therefore by incorporating the teachings of multiple rounds into Webb, a player would receive a set of cards in a first round and then decide to make a second bet, which the examiner has interpreted as a second selection for participation in a second round in order to complete the hand of the participating player and dealer. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Webb and Angel in order to incorporate multiple round wagering with a three-card poker game.

Regarding claim 2, Webb teaches a method of playing a card game wherein the deck of cards is a standard deck of cards (*see col. 3: ln 40-47*).

Regarding claim 3, Webb teaches a method of a card game that is played with a standard deck of cards however is silent with regards to playing with multiple decks of cards. However it is old and well known to vary the number of decks while still keeping the same methodology of playing a game and therefore the Examiner takes OFFICIAL NOTICE that it is old and well known in the gaming arts to implement a card game with multiple decks of cards.

Regarding claim 4, Webb teaches a method of a card game wherein a first selection comprises receiving a first ante/play bet (*see ante [18] of Fig. 1 and the related description thereof*).

Regarding claim 5, Webb teaches a method wherein receiving the second selection comprises receiving a second play bet (*see pair-plus bet or additional wager per round Fig. 1 and the related description thereof*).

Regarding claim 8, Webb teaches a method of playing a card game comprising: taking an ante/first play bet and a second play bet from each of the at least one players not winning the game (*see col. 3: ln 16-67*).

Regarding claim 9, Webb teaches a method of playing a card game comprising: determining whether the hand of each of the at least one player beats the hand of the dealer and evaluating the hand of each of the at least one player in according with the rules of poker; and evaluating the hand of the dealer in accordance with the rules of poker; and determining that the

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hand of each of the at least one player beats the hand of the dealer if the hand of the at least one player is a high hand in comparison to the hand of the dealer (*see col. 6: ln 20-57*).

Regarding claim 10, Webb teaches a method comprising: paying a payout to each of the at least one player winning the game (*see col. 6: ln 1-47*).

Regarding claim 11, Webb teaches a method of playing a card game wherein the amount of the payout is calculated according to a pay table (*see col. 4: ln 50-55*).

Regarding claim 12, Webb teaches a method of playing a card game wherein the amount of the payout is based on the sum of the ante/first play bet and second play bet (*see col. 4: ln 1-col. 5: ln 67*).

Regarding claims 14 and 24, Webb teaches a method of playing a card game to allow a participant in a three-card poker game using a representation of a standard deck of cards comprising: at least one input device for receiving input data from a player for play of the card game and at least a processor to the at least one input device for receiving input data from the at least one input device and the at least one display device coupled to the processor for displaying display information (*see col. 2: ln 23-39*). Webb's system teaches the implementation of using the processor to initiate the running of the game method.

However, Webb is silent with regard to splitting up the poker game into rounds. Angel in an analogous video poker method teaches different implementations where the poker game is split into rounds and a player is required to make a wager in between rounds before they may receive the next card. For example, in the game of hold 'em the participating players first place an ante in the first round and are dealt two cards. Afterwards they enter a round of betting where they are required to make a decision to surrender, wager more or check in order to play in the

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next round (*see Fig. 3 and the related description thereof*). Angel teaches that one would be motivated to incorporate this type of element to the game in order to create a risk and opportunity to improve ones hand which creates a more exciting experience for the player. Therefore by incorporating the teachings of multiple rounds into Webb, a player would receive a set of cards in a first round and then decide to make a second bet, which the examiner has interpreted as a second selection for participation in a second round in order to complete the hand of the participating player and dealer. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Webb and Angel in order to incorporate multiple round wagering with a three-card poker game.

Regarding claim 15, Webb teaches a system of implementing a card game that comprises a terminal (*see col. 2: ln 22-39*).

Regarding claim 25, Webb teaches a system of implementing a card game that comprises a slot machine (*see col. 2: ln 22-39*).

Regarding claims 16-23, Webb teaches a system and method of implementing a three-card poker game on a game machine. However, it is silent with regard to incorporating the machine and game over a networked system. Angel in an analogous gaming patent teaches the implementation of a game machine over a network. Angel teaches that a game machine (*ie: terminal*) may be incorporated over a network and may be connected through a network using wired connection, wireless connection or a fiber optic connection (*see Fig. 1 and the related description thereof*). Additionally, these terminals may comprises of one selected from a group consisting of a personal computer, a minicomputer, a microcomputer, a mainframe computer, a telephone device, a hand-held gaming device, and a personal digital assistant (*see col. 9: ln 27-*

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40). Furthermore, the system taught by Angel may be implemented over the Internet or intranet (*see col. 9: ln 27-40*). The incorporation of a game machine over a network in a casino is old and well known at the time the invention was made. And has been known to improve monitoring of activities in the casino that benefit the user and management of the gaming machines. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Angel with the game machines taught in Webb.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brunelle (US 5,820,128) - Method of Playing a Card Game.

Webb et al. (US 6,698,759 B2) – Player Banked Three Card Poker and Associated Games.

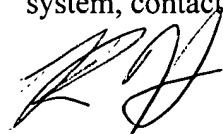
Moody et al. (US 2002/0185816 A1) – Three Card Draw Poker Games.

Any inquiry concerning this communication or earlier communication from the examiner should be direct to Ryan Hsu whose telephone number is (571)-272-7148. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Jones can be reached at (571)-272-4438.

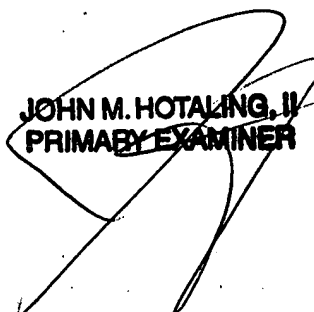
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 1-866-217-9197 (toll-free).



RH

April 26, 2006



JOHN M. HOTALING, II
PRIMARY EXAMINER